

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATHAN MCKUNE,

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DATE FILED: 9/8/08	

Plaintiff,

- against -

MR. S. HOLIDAY, MS. JACKSON, DEPARTMENT
OF CORRECTIONS (STATE),

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ORDER

07 Civ. 9771 (NRB)

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

The complaint in this action having been filed on November 5, 2007, and the Court having informed plaintiff's counsel by letter, dated August 5, 2008 of the obligation pursuant to Rule 4(m) of the Federal Rules of Civil Procedure to serve the summons and complaint within 120 days of filing, and no response to that letter having been received, and there being no evidence of service, it is hereby

ORDERED that the complaint be dismissed without prejudice.

Dated: New York, New York
September 5, 2008


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE